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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/706,989

11/14/2003

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Q78463

7370

7590 05/15/2008
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EXAMINER

SCHNURR, JOHN R

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|--------------------------------------|--|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/706,989 | Applicant(s) MASUNO, HIROSHI | |
| | Examiner JOHN R. SCHNURR | Art Unit 2623 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 April 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-17.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Christopher Grant/
 Supervisory Patent Examiner, Art Unit 2623

Continuation of 3. NOTE: Claims 3 and 9 have been amended to remove the alternative of the combining circuit synthesizing the converted display data, the expanded motion picture display data and the converted motion picture display data thus changing the scope of the claims.

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's argument (Remarks section IA) that Ito (US PG PUB 2002/0004415) does not teach the first switch alternatively connecting the display unit to the display generating section or the TV telephone processing section, the examiner respectfully disagrees. Ito clearly teaches switch 6 (Fig. 2) having ON and OFF positions. In the ON position received image signals are connected to the output. In the OFF position a stored image signal is connected to the output. Therefore the OFF position connects the display unit to the display data generating section.

In response to applicant's argument (Remarks section IA) that Ito does not teach switching between a TV telephone use mode and a general use mode but rather switches between "sub-modes" of operation of a videophone call and therefore does not disclose the claimed invention, the examiner respectfully disagrees. The limitations of claim 1 require a system to switch between a display data generating section and a TV telephone processing section. Ito clearly teaches a display data generating section in which a TV telephone function is not used (switch 6 in the OFF position displays stored images not currently received images) and a TV telephone function (switch 6 in the ON position displays received images). Thus Ito clearly teaches switching between two modes of operation as claimed.

In response to applicant's argument (Remarks section IB) that Ito does not teach the limitations of claim 3, the examiner respectfully disagrees. Ito clearly teaches the converted display data, expanded motion picture display data and converted motion picture display data and synthesizes these data into a second display data for output as described in the detailed rejection of claim 3.

In response to applicant's argument (Remarks section IIA) that the combination of Ito and Sawachi (US PG PUB 2003/0011704) does not teach the second switch is automatically switched in conjunction with said first switch response to a selected mode, the examiner respectfully disagrees. Ito teaches switching a device between two modes. Sawachi teaches operating a power supply switch in response to a selected mode. Therefore the combination of Sawachi and Ito discloses a system which switched between a display data generating section and a TV telephone processing section and operates a power supply switch in response to the section switching.

In response to applicant's argument (Remarks section IIB) that the combination of Ito and Yap (US PG PUB 2003/0043260) does not teach said first display data is a user interface, the examiner respectfully disagrees. Ito teaches displaying any user selected data stored in memory as said first display data ([0048]). Yap teaches a videophone system storing a user interface. Therefore the combination yields the system of Ito displaying a user interface instead of an image.